

REMARKS**1. Preliminary Remarks****a. Status of the Claims**

Claims 1-11 and 13-22 are pending in the application, of which claims 1-11 and 13 are under active consideration. Claims 1, 2, 6 and 10 are amended. Applicant respectfully requests entry of the remarks and amendments made herein into the file history of the application. Upon entry of the amendments, claims 1-11 and 13-22 will be pending, of which claims 1-11 and 13 will be under active consideration.

b. Amendments to the Claims

Claims 1 and 2 are amended to remove thiazoyl and imidazoyl as optional R⁴ and R⁵ groups when R⁴ or R⁵ is chosen from a 5- or 6-membered hetaryl moiety of group 3. Claims 6 and 10 are amended to recite the inadvertently omitted phrase that group 2 of R⁴ and R⁵ is “phenyl or naphthyl, which are each substituted with R_Q², R_Q³ and R_Q⁴, wherein R_Q², R_Q³ and R_Q⁴ each independently of one another represent a substituent from the following group....” Support for these amendments can be found throughout the specification and claims as originally filed, for example, at pages 5-24. No new matter is added through these amendments.

2. Patentability Remarks**a. 35 U.S.C. § 102(b)**

On page 2 of the Office Action, claims 1-5, 7-9, 11 and 13 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,560,690 (hereafter, “Reiter”). The Examiner asserts that Reiter discloses compounds falling within the scope of instant formula (I) wherein W is W1 where A is Cl or OCH₃; B is H; R_W¹ is H; Z is (CH₂)₁₋₃; R¹, R², and R³ are H; and Q is Q1 where E is S; and R⁴ is H (group 1) and R⁵ is 5-imidazoyl (group 3) or vice versa. In particular, the Examiner points to the last five compounds listed in the table in columns 11 and 12 of Reiter, and asserts that said compounds anticipate the instant claims.

The claims have been amended to remove thiazoyl and imidazoyl as optional groups for R⁴ and R⁵. Accordingly, Applicant submits that the skilled artisan will recognize that the Reiter compounds do not fall within the scope of the instant claims because neither of instant R⁴ or R⁵ can be thiazoyl or imidazoyl, as is required by the Reiter compounds. In view thereof, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-5, 7-9, 11 and 13 under 35 U.S.C. § 102(b).

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

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